



YNYSAWDRE COMMUNITY COUNCIL

COMPLAINTS POLICY

&

PROCEDURE

Date Adopted: 10 April 2018

1. POLICY STATEMENT

Ynysawdre Community Council is committed to providing excellent customer service and wants to encourage all residents to be involved in the decisions that it makes and in the development of its services.

Customer feedback is an important part of this involvement and the Council therefore welcomes compliments, comments and complaints from its residents to help improve Council services.

2. COMPLAINTS PROCEDURE

The full Complaints Procedures can be found at page 10 of this policy. The aims of the Complaints Policy are to make sure that:

- The Complaints Procedure is simple and as straightforward as possible for customers to make complaints about Council services.
- Complaints are dealt with quickly, effectively and in a fair and honest way within the set timescales.
- The complainant feels that their complaint has been properly investigated and responded to, even if the outcome may not uphold their complaint.
- The complainant is kept informed of the progress of their complaint and is told who is dealing with it.
- There are lessons learned from complaints to help drive forward service improvements The policy is fully understood by the Clerk/Responsible Finance Officer and members of the Council
- All compliments and comments are recorded and forwarded to the relevant ward member for action as appropriate
- That the Council meets its duty to promote equality in the way it delivers its services and that there are no discriminatory barriers to accessing and receiving services

3. WHAT IS A COMPLAINT?

Complaints are a result of dissatisfaction with the service provided. An initial request for a service is not a complaint and for the purpose of this procedure a complaint has been defined as: 'any expression of dissatisfaction about the standard of service, actions, or lack of action by the Council or its employees, which the complainant

feels should have been provided' The Complaints Procedure is intended to cover issues such as:

- A failure to provide a service at the level or standard expected by the Council.
- The unhelpful attitude of a Council employee.
- Neglect or delay in answering a query or responding to a request for a service.
- A failure to follow the Council's agreed policies, rules or procedures.
- A failure to consider all information in coming to a decision. • A failure to inform people of their rights.
- Malice, bias or unfair discrimination, and in particular discrimination or harassment on the grounds of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation.

Customer comments, requests for service, or reports of problems are not considered to be complaints and will not be recorded as such.

4. WHO CAN COMPLAIN

Anyone receiving or seeking a service from the Council or anyone acting for those unable or unwilling to complain personally i.e. a 'representative' can make a complaint.

A 'representative' is someone acting on behalf of a complainant where that person is unable to make the complaint themselves, or has asked the person to act on their behalf.

If the Council has cause to believe that a representative is not acting in the best interests of a complainant or they are not a suitable person to represent them, the complaint will not be considered and both the complainant and the representative will be advised accordingly in writing.

5. MAKING A COMPLAINT

A complaint can be made to the Parish Office either by telephone, e-mail or writing. The Council is committed to ensuring that all people are given full and equal access to the Complaints Procedure.

6. WITHDRAWING A COMPLAINT

A complaint can be withdrawn verbally or in writing at any time by the complainant or the representative. The withdrawal of a complaint will be acknowledged in writing. If at any time a complainant decides not to pursue a complaint further the relevant Clerk/RFO or ward member must decide if the matter has been satisfactorily concluded.

Any outstanding issues to be investigated or addressed will be followed up in accordance with internal procedures and not the complaints process.

7. CONTRACTED OUT SERVICES

Where the service complained about is provided by a contractor, the contractor will be required to investigate and respond in the first instance.

Customers who remain dissatisfied after their complaint has been investigated by the contractor will be able to request a review of the complaint by the Community Council.

8. COMPLIMENTS AND COMMENTS

It is recognised that customers may express disappointment, disagreement or observations about services without necessarily wanting to complain. Feedback of this nature will be recorded as a comment and forwarded to the Clerk/RFO or ward member for consideration and action. Customers will not receive an acknowledgement of this unless they specifically ask for one.

Comments can be made by telephone, social media, e-mail or in writing. Customers may also provide compliments or expressions of gratitude to the officer, councillors or projects/events. These will be recorded and forwarded to the relevant officer or ward member.

Compliments can be made by telephone, social media, e-mail or in writing.

9. ISSUES THAT FALL OUTSIDE OF THIS POLICY

Certain types of complaint are not intended to be dealt with by this complaints policy and are more appropriately dealt with through other channels. These include:

- Complaints by the Council employee – unless they are made as service users. Matters relating to their employment, for example pay, pensions, disciplinary or grievance matters, are more appropriate to be dealt with under the Council's Staffing policies and procedures
- Matters that are the subject of ongoing legal action, which also includes complainants who themselves are subject to an investigation for any breaches of legislation enforced by the Council or subsequent legal proceedings taken by the Council. Hate crime incidents that are not related to Council services or the conduct of the Council employee. A hate crime incident is any incident which is perceived by the victim or any other person to be motivated by prejudice against someone's sex, racial heritage, religion, disability or sexual orientation.
- Complaints about Councillors – if a complainant believes that a Councillor has broken the Council's Code of Conduct they can make a complaint to the Public Services Ombudsman for Wales
- Complaints about issues covered by the Data Protection Act 1998 or the Freedom of Information Act 2000 • Complaints relating to issues/actions that occurred more than 12 months before the date of the complaint, unless it is considered that there is good reason to accept the complaint.
- Unreasonably persistent or vexatious complaints –see section 13
- Complaints about matters which have been referred to the Ombudsman and on which the Ombudsman has already made a decision.

10. FRAMEWORK FOR MANAGING COMPLAINTS

The Clerk/RFO should be able to deal with the majority of issues that complainants raise quickly and informally and will be encouraged to do so. However, if the complainant insists their issue is recorded as a formal complaint, it will be logged and treated as such.

Those issues that cannot be dealt with straight away may need to be dealt with through the complaints procedure. Customers will be advised as to how their issue is being dealt with e.g. either informally or within the formal complaints procedure. The formal Complaints Procedure is detailed within the Complaints Procedure at the end of this policy.

11. THE PUBLIC SERVICES OMBUDSMAN FOR WALES

If a complainant is unhappy about the way that the Council has dealt with their complaint they can contact the Ombudsman, who is independent and can investigate complaints about most Council matters. The Ombudsman would normally expect a complaint to be made within 12 months of when the complainant first knew of the problem that they are complaining about.

Contact details are as follows:

- Call 0300 790 0203
- Public Services Ombudsman for Wales
1 Old Field Road
Pencoed
CF35 5LJ

The Public Services Ombudsman for Wales normally requires all complainants to go through all stages of their Council's own Complaints Procedure before considering the complaint. However, in certain circumstances the Ombudsman has the discretion to waive this requirement. This might be because delay could cause harm to the complainant. The complainant should be advised of the normal requirement to complete the Council's Complaints Procedure but also that they can contact the Public Services Ombudsman for further advice.

Full details of how the Local Government Ombudsman deals with complaints can be found on the Ombudsman website www.ombudsman-wales.org.uk

12. REMEDY & OUTCOMES

A complaint will normally have three outcomes - upheld, partially upheld and not upheld.

UPHELD - when the Council confirms it was at fault in its actions or lack of actions and that the responsibility for this lies predominantly with the Council.

PARTIALLY UPHELD - when the Council was partially at fault in its actions, but the actions of the complainant or a third party also contributed significantly to the situation that resulted in the complaint

NOT UPHELD - when the Council decides it was not at fault in its actions and acted in accordance with policy and procedures, and in good faith.

Where a complaint investigation identifies that things have gone wrong, an appropriate remedy will be determined. The general principle in determining a remedy is that, as far as possible, the complainant should be put in the position he or

she would have been in had things not gone wrong. The appropriate remedy will depend on the individual case. Often, an apology may be the only necessary action. In other cases, more will be required but an apology will be given to the complainant, especially when the complaint is upheld or partially upheld.

Other appropriate remedies include:

- an explanation of what went wrong and why
- the provision, within a stated timescale of any service that was not provided, or was provided but not to an acceptable standard, that resulted in the original complaint
- clear action and steps to put things right

13. UNREASONABLY PERSISTENT OR VEXATIOUS COMPLAINTS

The Council acknowledges that certain complaints can be difficult to resolve and can cause anxiety and distress to complainants, employees and councillors. Whilst the Council's aim is to try to find a way to resolve matters, from time to time complainants are encountered who become unreasonably persistent or vexatious in their quest to obtain the outcome they want.

The Council wants to ensure that, in using the Complaints Procedure, complainants who are unreasonably persistent or vexatious are dealt with fairly, honestly and properly, that the resources of the Council are used as effectively as possible and that other service users or employees of the Council do not suffer any detriment as a result of their behaviour.

All reasonable measures will be taken to try to resolve complaints through the Complaints Procedure.

It is not possible to provide an exhaustive list to define unreasonably persistent or vexatious complaints. However, the Council would consider this to be the case if complainants or anyone acting on their behalf:

- make repeated demands for action or information that would impact substantially and unreasonably on the Council
- persistently pursue a complaint when the Complaints Procedure has been fully implemented and exhausted

- continually change the substance of a complaint, or raise additional issues or seek to prolong contact by continually raising further concerns or questions
- are unwilling to accept documented evidence as being factual in spite of correspondence specifically answering their questions or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed
- do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts to help them specify their concerns
- continually focus on a trivial matter to an extent that is out of proportion to its significance.
- have threatened or used actual physical violence towards employees at any time
- have, in the course of their contacts with the Community Council, used foul and abusive language or have verbally assaulted or harassed Councillors or employees causing them to feel humiliated, intimidated or distressed.
- repeatedly contact the Council, Councillors or employees with letters of complaint or telephone calls placing unreasonable demands on staff
- are known to have recorded meetings or face to face/telephone conversations without prior knowledge and consent of other parties involved
- display unreasonable demands or expectations and fail to accept that these may be unreasonable

14. HOW THE COUNCIL WILL MANAGE UNREASONABLY PERSISTENT OR VEXATIOUS COMPLAINTS

Where circumstances permit, the Council will give the complainant a warning that, if their behaviour or actions continue, the Council may need to take action or apply restrictions.

In all cases where it is decided that someone is unreasonably persistent or vexatious the action the Council takes will be appropriate and proportionate, and may include one or more of the following options:

- requesting contact in a particular form (for example, letters or e-mails only)
- requiring contact to take place with a named officer

- restricting telephone calls to specified days and times of the week
- placing time limits on telephone conversations and personal contact
- banning a complainant from attending the Council's premises
- asking a complainant to enter into a written agreement about his/her future contacts with the Council
- referral of the case to Community Safety and Legal Services under the serious incident protocol (work related violence)
- block a person's access from some or all the Council's social media channels

When making decisions about appropriate action, the interests of the complainant will be balanced against the effects which his/her behaviour or actions are having on employees, other service users and the efficient use of resources.

Use of abusive or foul language, threats, intimidation or harassment of employees by complainants is deemed to be unacceptable behaviour. If a decision is taken to apply the policy the Clerk will write to tell the complainant why his or her behaviour is considered to be unreasonably persistent or vexatious, what action we are taking, and the duration of that action.

The Council will also tell the complainant how they can request a review of the decision. Reviews of decisions to take action or to restrict contact will be taken by the full council.

Where a complainant persists in communicating with the Council about either a complaint that has been completed at all stages of the Complaints Procedure, or a complaint which he or she has decided not to pursue at the next stage, the Council may decide to terminate contact with that complainant.

In such cases the complainant will be informed in writing that, if he or she persists in communicating with the Council about the complaint, the Council will not respond further.

The Council will read all correspondence from that complainant, but unless there is fresh evidence that affects a decision on the complaint, the Council will file the correspondence but not reply.

The complainant will be reminded of his/her right to approach the Public Services Ombudsman.

If the complainant continues to contact the Council by telephone or in person about the original complaint it may be decided to limit communication by one of the methods described above.

The Clerk will be required to report all verbal and physical assaults to the Chairperson/full council as appropriate. Incidents will be investigated and appropriate action taken, including reporting to the police where appropriate.

COMPLAINTS PROCEDURE

1. The appropriate time for influencing Council decision-making is by raising your concerns before the Council debates and votes on a matter. You may do this by writing to the Council in advance of the meeting at which the item is to be discussed.

There may also be the opportunity to raise your concerns in the public participation section of Council meetings.

If you are unhappy with a Council decision, you may raise your concerns with the Council, but Standing Orders prevent the Council from re-opening issues for six months from the date of the decision, unless there are exceptional grounds to consider this necessary and the special process set out in the Standing Orders is followed.

2. You may make your complaint about the council's procedures or administration to the Clerk. You may do this in person, by phone, or by writing (using the complaints form found on **Page 13** of this policy) to or emailing the Clerk. The addresses and numbers are set out below.
3. Wherever possible, the Clerk will try to resolve your complaint immediately. If this is not possible, the Clerk will normally try to acknowledge your complaint within **five working days**.
4. If you do not wish to report your complaint to the Clerk, you may make your complaint directly to the Chairperson of the Council who will report your complaint to the full Council.
5. The Clerk or the Council (as appropriate) will investigate each complaint, obtaining further information as necessary from you and/members of the Council.
6. The Clerk or the Chairperson of the Council will notify you within **20 working days** of the outcome of your complaint and of what action (if any) the Council proposes to take as a result of your complaint. (In exceptional cases the twenty working days timescale may have to be extended. If it is, you will be kept informed.)
7. If you are dissatisfied with the response to your complaint, you may ask for reviewed by full Council, (**usually within eight weeks**) you will be notified in writing of the outcome of the review of your original complaint.

Contact details:

Mrs Anne Wilkes

Clerk of the Council

Ynysawdre Community Council

62 Maesteg Road

Cwmfelin

MAESTEG

CF34 9LB

Tel: 0790 460 4049

Email: ynysawdrecommunitycouncil@hotmail.com

Councillor Geoff Letman

Chairperson

80 Bryn Road

Tondu

BRIDGEND

CF32 9EF

Tel: 724169 Mob: 0774 539 8389

Email: 925letman@gmail.com

**Ynysawdre Community Council
COMPLAINTS FORM**

SECTION A

Your details

Full Name:

Address:

Postcode:

Tel no:

Email:

The person who experienced the problem should normally fill in this form. If you are completing on behalf of someone else, please fill in Section B

SECTION B

Their name in full:

What is your relationship to this person?

Why are you making a complaint on their behalf?

If you are complaining on behalf of someone else, they must sign here if they are able to.

Signature of the complainant _____

If they are not able to, please explain why.

I give my consent for a complaint to be made on my behalf, to enable Ynysawdre Community Council to investigating my complaint

Which service do you want to tell us about?	
What do you want to tell us?	
What date did the problem occur?	
Where did it occur?	
What would you like us to do?	
Have you contacted us before about this issue?	
If yes, tell us who you told and when	

If you have documents to support your complaint, please send them with this form.

Please tick this box if you would like us to return them to you.

I consent to Ynysawdre Community Council obtaining and considering all the relevant information for the purposes of investigating my complaint.

Signature _____ **Date** _____

Please send this filled-in form to:

Mrs Anne Wilkes, **Clerk of the Council**, Ynysawdre Community Council
62 Maesteg Road, Cwmfelin, MAESTEG CF34 9LB

Tel: 0790 460 4049

Email: ynysawdrecommunitycouncil@hotmail.com